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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MONICA ZEPEDA,

Plaintiff,

v.

BANK OF AMERICA CORPORATION, et al.,

Defendants.

Case No.: C12-3098 JSC

**ORDER RE: ORDER TO SHOW CAUSE
(Dkt. No. 17)**


On July 31, 2012, the Court directed Plaintiff's counsel, Wendell Jones, to show cause as to why he should not be sanctioned for repeated failures to adhere to court deadlines and instructions. (Dkt. No. 17.) In this current action, Mr. Jones did not file a response to Defendants' motion to dismiss, nor did he respond to the Court's resulting order to show cause as to why the case should not be dismissed. (Dkt. No. 10.) As a result, the case was dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute. (Dkt. No. 15.)

After reviewing Mr. Jones' response (Dkt. No. 18), and with the benefit of a hearing on September 20, 2012, the Court declines to impose sanctions at this time. Mr. Jones assured the Court that he is no longer taking case referrals until his current caseload declines to a manageable level. In addition, he has hired a paralegal to alleviate the time constraints that previously prevented him from timely filing documents in his cases.

1 However, when confronted with similar failings by other courts in the past, Mr. Jones
2 likewise represented that he would change his behavior, to no avail. As a result, while no
3 sanctions will be imposed at this time, the Court cautions Mr. Jones that his continuing
4 cases in this district will be monitored, and should he again fail to respond to motions or
5 court orders, he will be referred to the Standing Committee on Professional Conduct, the
6 Chief Judge, or another appropriate disciplinary authority in the Northern District (*see* L.R.
7 11-6 (a)) without another hearing or any further notice.

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9 **IT IS SO ORDERED.**

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11 Dated: September 21, 2012


12 JACQUELINE SCOTT CORLEY
13 UNITED STATES MAGISTRATE JUDGE
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United States District Court
Northern District of California